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China's Law Teaching Methods Reform

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Abstract

During teaching reform, the matter of utmost importance is interaction between teachers and students. This article focuses on applying Interactivity Principles to teaching methods, in order to achieve an inspirational, participatory and democratic classroom.

Key words: Law; Teaching methods; Moot court; Discussion; Multimedia

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1. A REVIEW OF CURRENT RESEARCH ON DOMESTIC AND INTERNATIONAL LAW TEACHING METHODS

On an international scale, law education is usually considered a “general education”, also known as “Liberal arts education” and “education of essential qualities”. According to experience of developed countries, college law education is the foundation of law education. Law teaching is the basic approach to

realizing law education ideas, purposes, functions and values. Law education is born with inherent duality, i.e., a dualistic opposition between professional training and academic research, which has resulted in the formation of different law education theories, purposes, modes, contents and methods. Law teaching method is one of the basic elements of law education process. It refers to all intermediary bodies of objective existence, which are used by law education body to reflect law teaching contents in order to realize law education purposes.

In recent years, there have been apparent innovations in law teaching methods. The use of bilingual teaching, case study and multimedia teaching methods has demanded higher level of professionalism from teachers. Not only should a teacher possess desire, passion and awareness for innovation, he should also be able to master new knowledge structure and modern creative teaching measures.

However, if we look at the current situation of Chinese law teaching, flaws still persist in terms of teaching methods: They are monotonous, dominated by didactic teaching and indoctrination; The implementation of some new teaching methods is name only; teachers lack rethinking, research and discussion in teaching methods, etc. In order to accomplish the ideal of “education of essential qualities”, the reform of legal theory teaching methods must implement the guiding ideology of ideas, knowledge and practice, i.e., Teaching methods should be able to effectively stimulate the formation of students’ scientific world outlook, life outlook and legal views. We shall focus on the ideas contained in teaching methods, truly incorporate the training of thinking into teaching process, so that the implementation of legal ideas is reflected on the use of legal principles, and we achieve the goal of teaching methods serving teaching purpose.

2. PROBLEMS IN TRADITIONAL CHINESE LAW TEACHING METHODS

2.1 Purpose of Law Teaching Methods Is Not Clear

Before 2011, there was no clear positioning for the goals of law education. There have been longstanding confusions regarding whether to train legal researchers or practicing professionals, and whether law education should be a general or professional education. The disagreements have led to varying degrees of blindness in the trainings of undergraduate and graduate students. On the other hand, since undergraduate law students enrollment was restarted when China's National College Entrance Examination reopened in 1977, Chinese law education has a history of more than 30 years, developing from 223 students in the first year to 290,000 students nowadays. The achievements are remarkable, however, a systematic law teaching theory has not been formed yet during a long period. Thus, we become inevitably acclimatized in the process of learning from other countries' educational methods. In the execution of case study teaching, we simply imitate without considering whether or not teaching methods and contents match; we ignore the differences between China's legal system and Common Law system; we also do not consider the differences between teaching methods of law professionals and general law education talents. Law schools do not have a clear understanding of case study teaching goals, and do not tell students the goals to achieve by using case study teaching. Therefore, case study teaching becomes the synonym of class discussion, or even turns into talking without theme.

Right now, case study teaching methods have received widespread attention from law schools of various Chinese universities. However, they face the question of how to mix case study teaching with the legal education of our country. In terms of passing on legal knowledge, our curriculum emphasizes on explaining laws and focuses on knowledge system and comprehensiveness. Whereas case study teaching methods, starting with individual cases, focus more on training practical skills and pay no special attention to systemic knowledge.

2.2 Flaws Exist When Applying New Teaching Methods

First of all, teachers face great challenges. Teaching methods such as case study teaching and practical teaching have high requirements for teachers. They play multiple roles in the teaching practice: not only should they be eloquent debaters, but they also need to be highly professional and seasoned with law practice. For a law teacher who is used to classroom teaching and lack practical experience, it is not easy to manage teaching methods such as case study teaching. Most teachers from Chinese universities graduate from non-normal majors.

They have not studied teaching methods systematically and lack guidance from advanced education theories, while their teaching experience came from memories when they were students. The law school teachers are no different. The disadvantage in teachers' ability results in the fact that case study teaching quality cannot be guaranteed.

Second, as college enrollment expands, the number of law students increase respectively. Because of limited faculty, law schools generally adopt the approach of teaching in large classes, where it is difficult to play to the advantage of case teaching, practical teaching and moot court methods, etc. As a result, the final teaching outcome is affected.

3. CONTENTS OF CHINESE LAW TEACHING METHODS REFORM

We know that teaching methods of western law schools focus on training good attorneys and judges who can adapt to law practice as soon as possible. For example, Harvard University offers courses such as lawyer skills, negotiation skills and litigation skills in order to train lawyers with practical abilities. In Japan, legal education has also been reformed to alter the tendency of focusing on general law education, and instead set the goal of legal education as cultivating large amount of talents for law practice.

To some degrees, the misplacement and confusion of teaching goals have made our teaching methods fall behind. To train practical law talents, we should carry out bold reform and innovation in teaching methods, such as promoting case study teaching, trial observation, legal clinic teaching, mock trial, etc; we should also encourage teachers to open more practical and technical courses, such as lawyer litigation skills, business law practice, non-lawsuit handling, negotiation skills, etc. It is also necessary to consciously explore and reform various other methods such as case study teaching methods, discussion teaching methods, moot court methods and law internship methods.

3.1 Reform of Classroom Teaching Methods

3.1.1 Application of Case Study Teaching Methods

Case study teaching method was brought forward in 1870 by Professor Christopher Langdell, Dean of Harvard Law School, in an initiative of teaching method reform. Langdell believed that there was no practical meaning in purely explaining laws, "The method of effectively mastering law principles is to study examples containing the same law principles." The law is only a result. In class, what we as teachers need to do is to let students understand the background and reasons behind the law, and tell students in the form of case studies why our country formulated such laws in a particular historical context.

3.1.2 Application of Discussion Teaching Methods

There are two types of discussion teaching methods. One is propositional discussion, in which teachers give

students enough preparation time before class to look up for information, organize materials and integrate their viewpoints, and during class students express, elaborate and debate on their views. The other is improvisational discussion, which occurs during classroom teaching; when a certain controversial issue is mentioned, teachers organize students to brainstorm and speak out freely. Discussion teaching is good for drawing collective wisdom, open up students' minds and increase their interest in learning.

3.1.3 Application of Moot Court Teaching Methods

Moot Court is indeed a great classroom for training students' legal practicing skills. If trial observation is only limited to watching, understanding and knowing, in a Moot Court trial, based on previous trial observation, students put theoretical legal knowledge they learned into practice in an integrated manner. It is an all-round exercise for students to comprehensively participate in simulated trials, play various roles in trials and show how students have mastered various legal knowledge and theories.

3.1.4 Application of Multimedia Teaching Methods.

Multimedia teaching methods refer to methods that make use of modern media. Modern teaching media is rich of vivid images and words. Teachers can select classic case studies, legal speeches or TV programs, and show them to students through modern teaching network.

3.2 Reform of Teaching Methods Outside Classroom

3.2.1 Application of Social Survey

We advocate positivist research methods by personally leading students to participate in the entire research process, from social practice to theorization and then to research results. For example, students can conduct surveys among themselves on topics such as civil borrowing and lending and domestic violence. Through this practice, they

learn about social issues of common concern to the public. They could also go to residential areas and investigate about facts such as inheritance customs and age at marriage. These are all positivist research methods which draw true knowledge from practice.

3.2.2 Application of Social Practice

We bring students to visit various related legal departments such as governments, courts and jails and have informal discussions with the personnel. This is a more intuitive way for students to understand how law operates and make connections between abstract laws and social reality. For example, by bringing students to communicate with judges in a court, analyzing and studying authentic closed case files, we provide conditions for connecting law and practice from all aspects.

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